

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Barbara Ann Bady Debtor(s) Barbara Ann Bady Movant v. SUN WEST MORTGAGE COMPANY, INC. Respondent	Chapter 13 Proceeding 16-18690-amc
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**LIMITED RESPONSE TO
MOTION TO DISMISS**

AND NOW, comes SUN WEST MORTGAGE COMPANY, INC. (Respondent) by and through its counsel, POWERS KIRN, LLC, (Jill Manuel-Coughlin, on behalf of the firm), and hereby Objects/Responds to the Motion to Dismiss and avers the following:

1. On 02/10/2017, this Court entered an Order approving the Stipulation between Debtor(s) and SUN WEST MORTGAGE COMPANY, INC. ("Respondent"), a copy of which is attached hereto as **Exhibit A**.

(g) The Debtor shall timely tender all payments and comply with all conditions in accordance with this Stipulation. If such payments or conditions are not timely made, or convert to a Chapter 7 Bankruptcy, Movant may provide the Debtor(s) and their counsel with fifteen (15) days written notice of default. If the default is not cured within the fifteen (15) day period, Movant may certify the default to this Court and an Order shall be entered granting Movant Prospective In-Rem Relief from the automatic stay without further notice and hearing and waiving FED. R. Bankr. P. 3002.1 and waiving Rule 4001 (a)(3) so that the In-Rem Relief Order is immediately effective and enforceable and *no further Bankruptcy filings by Debtor(s) or any party claiming an interest in the Property shall place an Automatic Stay on the mortgaged property for a period of two (2) years from the entry of the order approving this Stipulation pursuant to 11 U.S.C. §362(d)(4).*

(h) If this case should be Dismissed for any reason, this Court shall retain jurisdiction to immediately enter the Prospective In-Rem Relief Order referenced above upon Movant's filing of a Certificate of Default *(no prior Notice of Default will be required).*

2.

Respondent has no objection to the Dismissal of the case, but respectfully requests that this Court retain jurisdiction so that it's In-Rem Order be entered in connection to this Court's 02/10/2017 Order and the supplemental stipulation of settlement of Motion for prospective in Rem Relief entered by this Court on May 6, 2019, a copy of which has been attached as Exhibit "B"

WHEREFORE, Respondent respectfully requests the Honorable Court ORDER:

The Limited Response to Motion to Dismiss relating to the property located at 318 Rices Mill Road, Wyncote, PA 19095 is granted so that this Court shall retain jurisdiction upon Dismissal to enter an Order for In-Rem Prospective Relief per this Court's 02/10/2017 and 05/06/2019 Orders.

RESPECTFULLY SUBMITTED,
POWERS KIRN, LLC

/s/ Jill Manuel-Coughlin, Esquire

POWERS KIRN, LLC

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Attorney for Respondent

Date: May 16, 2019